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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/899,984

07/09/2001

Volkmar Heuer

Q65106

5155

7590

06/06/2005

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EXAMINER

SHEW, JOHN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,984

Applicant(s)

HEUER, VOLKMAR

Examiner

John L. Shew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/9/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/9/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because

Fig. 2 identifier "23" depict the information data line. It should depict the switch circuit instead.

Fig. 2 identifier "26" depict the information data line. It should depict the switch circuit instead.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 7, line 29 cites "24, 24" should be "23, 24".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tedenstig (Patent number 6307859).

Claim 1, Tedenstig teaches a method of operating a data transmission network (Abstract lines 1-9, column 1 lines 29-39) referenced by a connection device for the exchange of messages over a telecommunication line in a network ring structure, comprising at least two outer rings (FIG. 1, column 4 lines 38-67, column 5 line 1) referenced by rings of highspeed links 20 and 46 which form the outer rings, and a middle ring (FIG. 1) referenced by the ring of highspeed link 10, which are coupled to one another via nodes (FIG. 1, column 4 lines 38-64) referenced by nodes 24 50, wherein one of the nodes represents a central node for all three rings (FIG. 1, column 5 lines 7-14) referenced by the central highspeed links 10 and 12 along with nodes 14 16 and 18 all on one common circuit board forming a single central node connecting the outer rings 20 and 46 to the inner ring 10, and wherein switching devices for the establishment of connections are contained in each of the nodes (FIG. 2, column 5 lines 58-61) referenced by the switching device 61 within the node for switching the messages to/from the highspeed link, the method comprising the steps of recognizing that a connection is to be established from the one outer ring (column 5 lines 48-52) referenced by the message arriving at node 28 of highspeed link 20, to the other outer ring (column 5 lines 48-52) referenced by sending the message through the system to node 52 of highspeed link 46, via the middle ring and establishing the connection taking into account all three rings (column 10 lines 5-49) referenced by transmission of the

message via highspeed link 10 through buffer storage mechanisms and superior supervising means 32 which takes into account all three highspeed links.

Claim 4, Tedenstig teaches the middle ring comprises two connections parallel to one another (FIG. 1) referenced by the connection between node 14 and node 18 of the common circuit board has two parallel highspeed links 10 12, and wherein the connection is established via one of the two parallel connections (FIG. 1, column 10 lines 5-49) referenced by the use on only highspeed link 10 for the routing connection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedenstig as applied to claims 1, 4 above, in view of Roorda et al. (Patent number 6643464).

Claim 2, Tedenstig teaches the central node comprises two switching devices (FIG. 1, FIG. 2) referenced by the Switching Device 61 / Routing Device 60 of Nodes 14 16 of the common circuit board, and wherein the connection is established via one of the two switching devices of the central node (FIG. 1, column 10 lines 5-49) referenced by the switching of the message via routing device 60 of node 28 into highspeed link 10 and transitioned through node node 16 for the message to arrive at node 18 of the common circuit board. Tedenstig teaches redundant loop protection (column 5 lines 15-36) referenced by the regular loop of highspeed links 10 20 34 46 and redundant loop of highspeed links 12 22 36 48. Tedenstip does not teach shared-protection-ring.

Roorda teaches shared-protection-ring (FIG. 2, column 2 lines 55-65) referenced by the shared protection ring.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate shared-protection-ring method of Roorda to the telecommunications network of Tedenstig for the purpose of providing improved protection bandwidth efficiency for a fast recovery from a fault in an optical network (Abstract lines 1-5).

Claim 5, Tedenstig teaches a ring structured telecommunications network. Tedenstig does not teach a shared-protection-ring.

Roorda teaches at least one of the rings has the form of a shared-protection-ring-connection (FIG. 2, column 2 lines 55-65) referenced by the shared protection ring.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate shared-protection-ring method of Roorda to the telecommunications network of Tedenstig for the purpose of providing improved protection bandwidth efficiency for a fast recovery from a fault in an optical network (Abstract lines 1-5).

Claim 6, Tedenstig teaches a ring structured telecommunications network. Tedenstig does not teach a shared-protection-ring.

Roorda teaches at least one ring and at least one shared-protection-ring-connection are combined (FIG. 2, column 2 lines 55-65, FIG. 11D, column 11 lines 32-36) referenced by the shared protection ring and the Link Set connections which has both Optical Shared Protection Ring module and without OSPR.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate shared-protection-ring method of Roorda to the telecommunications network of Tedenstig for the purpose of providing improved protection bandwidth efficiency for a fast recovery from a fault in an optical network (Abstract lines 1-5).

***Allowable Subject Matter***



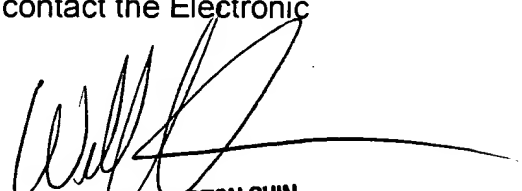
4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER